

ESTTA Tracking number: **ESTTA588634**Filing date: **02/21/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Etonic Holdings, LLC		
Entity	limited liability company	Citizenship	New York
Address	c/o A. Uzzo & Company, C.P.A.'S, P.C. 287 Bowman Avenue Purchase, NY 10577 UNITED STATES		

Attorney information	William H. Cox Gordon, Herlands, Randolph & Cox LLP 355 Lexington Avenue New York, NY 10017 UNITED STATES wcox@gordonherlands.com Phone:212-986-1200
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Registration Subject to Cancellation

Registration No	4455119	Registration date	12/24/2013
Registrant	Taqseem, Inc. 5710 Auburn Blvd., Suite 8 Sacramento, CA 95841 CANADA		

Goods/Services Subject to Cancellation

Class 034. First Use: 2013/05/01 First Use In Commerce: 2013/05/01 All goods and services in the class are cancelled, namely: Electronic cigarettes; Electronic cigars; Electronic hookahs; Electronic cigarettes, cigars, and hookah's components, parts and structural parts, namely, refill cartridges sold empty, cartomisers and atomizers
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Grounds for Cancellation

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)


Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	872644	Application Date	11/22/1968
Registration Date	07/08/1969	Foreign Priority Date	NONE
Word Mark	ETONIC		
Design Mark			

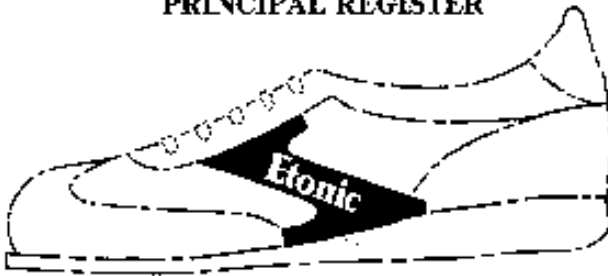
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1912/02/00 First Use In Commerce: 1912/02/00 MEN'S AND WOMEN'S STREET AND SPORT SHOES AND SPORTS CLOTHING-NAMELY, SHIRTS, SWEATERS [, SLACKS, SHORTS, SKIRTS, SPORTCOATS, DRESSES, CULOTTES, HOSIERY AND RAINWEAR]


U.S. Registration No.	766756	Application Date	02/12/1963
Registration Date	03/17/1964	Foreign Priority Date	NONE
Word Mark	ETONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1912/02/00 First Use In Commerce: 1912/02/00 Men's and Women's Street and Sport Shoes		

U.S. Registration No.	1057749	Application Date	05/24/1976
Registration Date	02/01/1977	Foreign Priority Date	NONE
Word Mark	ETONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1971/09/17 First Use In Commerce: 1971/09/17 SOCKS AND GOLF GLOVES		


U.S. Registration No.	1338021	Application Date	05/07/1984
Registration Date	05/28/1985	Foreign Priority Date	NONE
Word Mark	ETONIC		
Design Mark			
Description of Mark	THE DOTTED LINES SHOWN IN THE DRAWING OF THE MARK REPRESENT THE OUTLINE OF THE SHOE.		
Goods/Services	Class 025. First use: First Use: 1983/08/00 First Use In Commerce: 1983/08/00 Shoes		

U.S. Registration No.	1328691	Application Date	05/07/1984
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Registration Date	04/02/1985	Foreign Priority Date	NONE
Word Mark	ETONIC		
Design Mark	<p style="text-align: center;">PRINCIPAL REGISTER</p> 		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1983/08/00 First Use In Commerce: 1983/08/00 Shoes		

U.S. Registration No.	4009724	Application Date	12/21/2006
Registration Date	08/09/2011	Foreign Priority Date	NONE
Word Mark	ETONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 018. First use: First Use: 2007/03/31 First Use In Commerce: 2007/03/31 Sports bags, backpacks, game bags, namely, hunters' game bags, golf umbrellas, handbags</p> <p>Class 025. First use: First Use: 2006/02/28 First Use In Commerce: 2006/02/28 Sportswear, namely, sports jerseys, athletic and sports clothing, skirts, sweaters, pants, breeches, windbreakers, namely, wind resistant jacket, anorak, track suits, bandanas, T-shirts, polo shirts, sport coats, pullovers, cardigans, stockings, scarves, caps, hats or visor, technical running shirts; sports footwear, namely, boots for sports, walking boots, football shoes, training shoes, gymnastic shoes, beach shoes; wrist bands</p> <p>Class 028. First use: First Use: 2003/11/30 First Use In Commerce: 2003/11/30 Gymnastic and sporting articles, namely, golf clubs, head covers for golf clubs, golf pegs, namely, golf bag pegs; sport balls, namely, golf balls, footballs, bowling balls; knee guards, namely, kneeguards for athletic use, bowling gloves, golf gloves</p>		

U.S. Registration No.	3456272	Application Date	12/21/2006
Registration Date	07/01/2008	Foreign Priority	NONE

		Date	
Word Mark	ETONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 018. First use: First Use: 2004/01/01 First Use In Commerce: 2004/01/01 travel bags</p> <p>Class 025. First use: First Use: 1945/01/01 First Use In Commerce: 1945/01/01 shirts, tank tops, shorts, socks, jackets; running shoes, athletic shoes, golf shoes, bowling shoes, walking shoes</p> <p>Class 028. First use: First Use: 1971/01/01 First Use In Commerce: 1971/01/01 Golf gloves and golf bags, ball markers, namely, golf ball markers</p>		

Attachments	73479132#TMSN.gif(bytes) 73479140#TMSN.gif(bytes) 77069919#TMSN.jpeg(bytes) 77070011#TMSN.jpeg(bytes) etonic.cancellation.119.pdf(1210013 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/peter j. vranum/
Name	Peter J. Vranum
Date	02/21/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X)	
ETONIC HOLDINGS, LLC,)	
)	Cancellation No.
Petitioner,)	
)	Registration No. 4455119
v.)	
)	
TAQSEEM, INC.,)	
)	
Registrant.)	
-----X)	

PETITION FOR CANCELLATION

In the matter of the registration for the mark "E-TONIC", Registration No. 4455119 for: "electronic cigarettes; electronic cigars; electronic hookahs; electronic cigarettes, cigars and hookah's components, parts and structural parts, namely, refill cartridges sold empty, cartomisers and atomizers" (International Class 34), filed under Section 1A of the Trademark Act on June 28, 2013 by Taqseem, Inc. of 5710 Auburn Blvd., Suite 8, Sacramento, California 95841 (hereinafter called "Registrant"), which was registered on December 24, 2013. Etonic Holdings, LLC., a limited liability company organized under the laws of the State of New York, with an address c/o A. Uzzo & Company, C.P.A.'S, P.C., 287 Bowman Avenue, Purchase, New York 10577 (hereinafter called "Petitioner"), believes that it will be damaged by the continued existence of such registration and hereby petitions to cancel same.

The grounds for cancellation, on information and belief, are as follows:

1. Petitioner, Etonic Holdings, LLC, and/or its predecessor in interest, is now

and has been engaged in the design, sale and distribution of athletic, fitness and sports clothing, footwear and headwear products, including but not limited to men's and women's sports and street shoes, sports clothing, boots, sports bags, back packs, and sporting articles.

2. Petitioner and/or its predecessor in interest has used and presently uses the mark "ETONIC" in connection with the goods identified in paragraph 1.

3. Petitioner is the owner of the following federal trademark registrations for ETONIC: a) Reg. No. 0872644, issued by the USPTO on July 8, 1969, for men's and women's street and sport shoes and sports clothing namely, shirts and sweaters; b) Reg. No. 0766756, issued by the USPTO on March 17, 1964, for men's and women's street and sport shoes; c) Reg. No. 1057749, issued by the USPTO on February 1, 1977, for socks and golf gloves; d) Reg. No. 1338021, issued by the USPTO on May 28, 1985, for shoes; e) Reg. No. 1328691, issued by the USPTO on April 2, 1985, for shoes; f) Reg. No. 4009724, issued by the USPTO on August 9, 2011, for sports bags, back packs, game bags, namely, hunters' game bags, golf umbrellas, handbags; sportswear, namely, sports jerseys, athletic and sports clothing, skirts, sweaters, pants, breeches, windbreakers, namely, wind resistant jacket, anorak, track suits, bandanas, T-shirts, polo shirts, sport coats, pullovers, cardigans, stockings, scarves, caps, hats or visor, technical running shirts, sports footwear, namely, boots for sports, walking boots, football shoes, training shoes, gymnastic shoes, beach shoes; wrist bands; gymnastic and sporting articles, namely, golf clubs, head covers for golf clubs, golf pegs, namely, golf bag pegs, sports balls, namely, golf balls, footballs, bowling balls, knee guards, namely, knee guards for athletic use, bowling gloves, golf gloves; g) Reg. No. 3456272,

issued by the USPTO on July 1, 2008, for travel bags, shirts, tank tops, shorts, socks, jackets, running shoes, athletic shoes, golf shoes, bowling shoes, walking shoes, golf gloves and golf bags, ball markers, namely golf ball markers. Such registrations are valid, subsisting and unrevoked.

4. Since prior to Registrant's use of the mark E-TONIC in the U.S., prior to the filing date of Registration No. 4455119 and prior to any constructive priority date accorded the Registration, Petitioner, its predecessor in interest and/or its authorized licensees did use and have continuously used in interstate commerce the mark ETONIC in connection with the various goods described in paragraph 1 herein extensively throughout the United States. By reason of such extensive use and promotion, Petitioner has attained an enviable reputation for high standards of quality, and the mark ETONIC and variations thereof have become distinctive of and associated in the minds of the trade and purchasing public with the Petitioner. The Petitioner's ETONIC mark has achieved fame and tremendous public recognition.

5. Registrant's mark E-TONIC is, in its appearance, sound and overall commercial impression, identical and/or confusingly similar to Petitioner's mark. The goods of the Registrant are related to the various goods of Petitioner as described in paragraph 1 herein, and are likely to move within the same channels of trade and be purchased and/or used by the same class of purchaser so that Registrant's mark is likely, when used in association with the goods of Registrant, to cause confusion or to deceive purchasers in the mistaken belief that the goods of Registrant emanate from, are offered for sale, or are provided and/or sold by Petitioner or under Petitioner's approval, sponsorship or control, all to the great damage of Petitioner.

6. Petitioner believes that Registrant's selection of the mark E-TONIC may take advantage of the nationwide reputation of Petitioner and its mark ETONIC, and may take advantage of the goodwill of Petitioner gained by extensive and persistent advertising and expenditures of large sums of money therefore, and if continued in commerce, will be likely to confuse, mislead or deceive the trade and members of the public in suggesting to them that Registrant's mark identifies services and/or goods sold, sponsored or approved by Petitioner or to suggest falsely a trade connection between Petitioner and Registrant.

7. If the specified goods and/or services of Registrant are inferior in quality, there will be irreparable injury to Petitioner's valuable goodwill and its mark. Furthermore, the use and registration of the mark E-TONIC will blur and/or tarnish the distinctive character or otherwise cause dilution of Petitioner's valuable trademark, ETONIC. Registrant's E-TONIC mark is used in connection with smoking paraphernalia and electronic cigarettes, cigars and hookahs. Such use and registration will damage the Petitioner's goodwill and reputation in its ETONIC mark which is used in connection with fitness, athletic and sports footwear, apparel and related accessories and products.

WHEREFORE, Petitioner, by and through its counsel, respectfully requests that the mark sought to be registered by Registrant be refused and that a Notice of Opposition be sustained.

Please recognize William H. Cox, William B. Randolph and Peter J. Vranum of the firm of Gordon, Herlands, Randolph & Cox LLP, all members of the Bar of the State of New York, 355 Lexington Avenue, New York, New York 10017, as attorneys for Petitioner.

Respectfully submitted,

GORDON, HERLANDS,
RANDOLPH & COX LLP



Peter J. Vranum, Esq.
Attorneys for Petitioner
355 Lexington Avenue
New York, New York 10017
(212) 986-1200

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing Petitioner's Petition for Cancellation to be served by First Class mail, postage prepaid, on February 21, 2014, on:

David S. Barrett, Esq.
700 E Street
Sacramento, CA 95814-1209

Taqseem, Inc.
5710 Auburn Blvd., Suite 8
Sacramento, CA 95841



Peter J. Vranum